IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 7912 of 1995

Between:

Ithekarunnissa Begum W/o. Alvinsaleh
R/o.H.No. 9-4-84/99 Kakatiyanagar Colony,
Hyderabad.

..... PETITIONER

AND

1 District Collector,
Madak Dist Sangareddy.
2 Mandal Revenu Offficer
Zaheerabad Mandal, Medak District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an appropriate Writ, order or direction, particularly a Writ in the nature of Mandamus, declaring the action of the 1st respondent in trying to auction the ancestral properties of the petitioner through notification of auction No.D6/840/94 dt:4-4-1995 as being illegal, arbitrary and without any authority of law and violative of Articles14, 21 and 300-A of the Constitution of India and consequently set aside the same.

Counsel for the Petitioner: MR. RAJENDER DESHMUKH

Counsel for Respondents: GOVERNMENT PLEADER FOR REVENUE

The Court made the following:

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ORDER:

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This writ petition is filed questioning the auction notification dated 04-04-1995 issued by the District Collector, Medak at Sangareddy, to sell the Tahsil office building site at Zaheerabad town on 21-04-1995.

2. As stated in the affidavit filed in support of the petition, it is the case of the petitioner that she is one of the legal heirs of Nawab Moinuddualah Bahadur of Sir Asman Jah Baigar and she claims right with regard to the notified property basing on Munthakab.

3. In the counter affidavit filed on behalf of respondents, it is stated that neither Nawab Moinuddaulah nor his heirs have any rights over the property and the property belong to the Government and earlier Tahsil office was located. It is also stated that in any event, the property is vested with the Government in view of the abolition of Jagirs.

4. Having regard to the above referred pleadings, the only question is dispute with regard to title and ownership of the property. Though the petitioner is relying on some documents, having regard to the factual dispute with regard to ownership, it is a matter which cannot be gone into in this petition filed under Article 226 of the Constitution of India. No other ground is urged by the learned Counsel for the petitioner.

5. In that view of the matter, the writ petition is dismissed. But, however, it is made

clear that if the petitioner is claiming the property as of her own, it is open for the petitioner to approach the competent civil Court to establish her title and possession of the same. If any such suit is filed, the same has to be adjudicated without reference to the observations made by this Court in the writ petition. No order as to costs.

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R.SUBHASH REDDY, J

Dated: 13th December, 2004.

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ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The District Collector, Medak at Sangareddy.

2. The Mandal Revenue Officer, Zaheerabad Mandal, Medak Dist.

3. Two CCs to the Government Pleader for Revenue, High Court Buildings, Hyderabad (O.U.T).

4. Two CD copies.